as usual," because SWBT has had practices and procedures for providing access to its facilities in place for 20 years. See id. ¶ 7.

The Master Agreement. SWBT's Master Agreement for access to poles, ducts, conduits, and rights-of-way, which has been incorporated into interconnection agreements approved by the KCC and the OCC, establishes detailed rates, terms, and conditions of access. Id. ¶ 11; see also K2A Attach. 13, Exhs. 1-8; O2A Attach. 13, Exhs. 1-8. This agreement is the product of years of negotiations with cable providers pursuant to 47 U.S.C. § 224, as well as interconnection negotiations and arbitrations with CLECs pursuant to sections 251 and 252. Hearst Aff. ¶ 11. The Master Agreement is available to any CLEC. Id. SWBT will negotiate modifications or additions to the Master Agreement, upon request, and has entered into such customized agreements in Kansas and Oklahoma with AT&T and other carriers. Id.; see SWBT/AT&T Kansas Agreement (App. B – KS, Tab 14); SWBT/AT&T Oklahoma Agreement (App. B – OK, Tab 13). The Master Agreement and SWBT's state-approved interconnection agreements incorporate rates that were negotiated with cable operators and comply with the methodology set out in section 224(d)(1). Hearst Aff. ¶¶ 36-38; K2A Attach. 13, Exh. 1; O2A Attach. 13, Exh. 1.[85]

Evaluation of Facilities Requests. SWBT makes unassigned pole, duct, conduit, or right-of-way space available to all telecommunications carriers and cable operators, including SWBT itself, on a first-come, first-served basis. See Hearst Aff. ¶ 20. SWBT evaluates CLECs' requests for access to poles, ducts, conduits, and rights-of-way by using the same capacity, safety, reliability, and engineering standards that apply to SWBT's own use of the facilities. Id.

[85] See generally Report and Order, Amendment of Rules and Policies Governing the Attachment of Cable Television Hardware to Utility Poles, 2 FCC Rcd 4387 (1987), clarified, 4 FCC Rcd 468 (1989).

¶ 19; see K2A Attach. 13 – Ancillary Functions; O2A Attach. 13 – Ancillary Functions. SWBT has not denied any request for access to its facilities under the 1996 Act; in the unlikely event that denial is necessary, SWBT will promptly contact the applicant to discuss alternatives. Hearst Aff. ¶¶ 6, 23. Applications that do not require "make-ready" work or other modifications to SWBT facilities are granted immediately, upon verification that the space is available. Id. ¶ 24.

Performance. Two performance measurements – Percent of Requests Processed Within 35 Days, and Average Days Required To Process a Request – allow regulators and CLECs to monitor SWBT's responses to applications for space. Because of the small number of CLEC requests for access, none of the monthly sample sizes is sufficient to demonstrate conclusively whether SWBT's performance results effectively met these benchmarks. See Dysart Aff. ¶ 74. From September 1999 through August 2000, SWBT had met five of six CLEC requests for access to poles, ducts, conduits, and rights-of-way in Kansas and Oklahoma within the established benchmark. Id. On average, SWBT has required only 23 days in Oklahoma and a mere two days in Kansas to complete such requests – performance that easily beats the target interval. Id. In September, SWBT received five such requests in Oklahoma alone, and it met them all within the target interval, averaging 22.6 days to complete them. See September Data Joint Aff. ¶ 27. SWBT received no such requests in Kansas during the month of September. Id. These results demonstrate that SWBT's systems and processes provide nondiscriminatory access within the applicable benchmarks.

SWBT will continue providing nondiscriminatory access to poles, ducts, conduits, and rights-of-way in accordance with the obligations established by its interconnection agreements. See Hearst Aff. ¶ 10.

D. Checklist Item 4: Unbundled Local Loops

Checklist Item 4 requires a BOC to make local loop transmission from central office to customer premises available on an unbundled basis. 47 U.S.C. § 271(c)(2)(B)(iv). In order to establish compliance with this checklist item, a BOC must demonstrate that it: (i) has a concrete and specific legal obligation to provide unbundled loops; (ii) is furnishing quality loops in quantities that competitors reasonably demand; and (iii) provides nondiscriminatory access to local loop transmission. Texas Order ¶¶ 247-248; New York Order, 15 FCC Rcd at 4095, ¶ 269.

As both the KCC and the OCC have found, SWBT fully complies with this checklist item, allowing CLECs to provide local service without matching SWBT's large sunk investments in facilities that connect each customer premises to the public switched telephone network ("PSTN"). See KCC Staff Report at 60; OCC Final Order at 180. SWBT offers CLECs a range of options for obtaining these loops on a pre-assembled basis or combining them with the CLECs' existing facilities. As previously discussed, SWBT has provisioned more than 3,800 stand-alone loops in Kansas and more than 3,600 stand-alone loops in Oklahoma. See J.G. Smith/Johnson Joint Aff. Attach. A. In addition, SWBT has established nondiscriminatory processes and procedures for the provisioning of xDSL-capable loops and related services, and SWBT has complied fully with its obligations under both the Line Sharing Order and the UNE Remand Order. See KCC Staff Report at 62; OCC Final Order at 169.

SWBT's Loop Offerings. As in Texas, SWBT's loop offerings in Kansas and Oklahoma include 2-wire analog loops with 8 dB or 5 dB loss, 4-wire analog loops, 2-wire ISDN digital-

grade lines, 4-wire DS1 digital grade lines, and various 2- and 4-wire loops capable of offering xDSL services. See Deere Aff. ¶¶ 93-94. SWBT provides unbundled access to DS3 loops – as required by the UNE Remand Order – through optional amendments to the K2A and the O2A. See Sparks Aff. ¶ 90 & Attachs. B-KS & B-OK (optional K2A Amendment for UNE Remand Order; optional O2A Amendment for UNE Remand Order). Additional loop types are available through the Special Request process described in Part V.A, supra. Deere Aff. ¶¶ 84-88. For the small percentage of Oklahoma and Kansas end users served by integrated digital loop carrier ("IDLC") equipment, SWBT provides unbundled loops through alternative facilities. Id. ¶¶ 107-109.

For CLECs that choose to have SWBT provide loops on a physically separate basis, SWBT offers cross-connects that are matched to the loop type and arrangement selected by the CLEC. Id. ¶¶ 176-187. For CLECs that use SWBT loops and SWBT switch ports in combination, SWBT provides electronic access to mechanized loop testing ("MLT"), thereby allowing the CLEC to analyze and identify problems with its end users' lines. Id. ¶ 125.

The NID and Subloop Unbundling. In addition to loops themselves, CLECs are able to obtain and use the NID under terms and conditions established by the OCC and the KCC. Id. ¶¶ 79-80. CLECs may connect to the customer's inside wire at SWBT's NID at no charge, or they may pay SWBT to perform any NID repairs, upgrades, disconnects, or rearrangements they desire. Id. ¶ 81. SWBT also provides and connects the NID at no additional charge when CLECs order an unbundled loop. Id. ¶ 82. Recognizing that CLECs likely will provide their own NID when serving multiple dwelling units ("MDUs"), SWBT will relocate or rearrange the SWBT NID at an MDU to allow access to inside wiring. Id. ¶ 83; K2A Attach. 6 – UNE, § 3.5; O2A Attach. 6 – UNE, § 3.5.

In both Oklahoma and Kansas, CLECs can order sub-elements of the local loop from SWBT on an unbundled basis. Deere Aff. ¶¶ 97-106. Available sub-elements include loop distribution (the segment of a loop between the end user's premises and a remote terminal) on routes served by a digital loop carrier, id. ¶ 99; dark fiber and DS1-conditioned 4-wire copper cable in the feeder segment of the loop, id. ¶ 101; and the digital loop carrier, id. ¶ 106. These subloop offerings satisfy this Commission's new subloop unbundling requirements. See UNE Remand Order, 15 FCC Rcd at 3789-800, ¶¶ 206-229. Indeed, this Commission has previously approved of SWBT's dark fiber and subloop unbundled offerings. Id. at 3786, ¶ 199, 3799, ¶ 227 & n.445.

Pricing. The OCC set SWBT's prices for unbundled local loops in Oklahoma in its generic Cost Docket, Cause No. PUD 970000213, based on cost studies reviewed by the OCC Staff and in accordance with the TELRIC methodology.[86] See generally Ries OK Aff. (App. A, Tab 12); Sparks Aff. ¶¶ 182-183, 188-189. Likewise, the KCC set SWBT's prices for unbundled local loops in Kansas in its own generic Cost Docket, Docket 97-SCCC-149-GIT, again based on cost studies reviewed by the KCC Staff and in accordance with the TELRIC methodology. See generally Ries KS Aff. (App. A, Tab 11); Sparks Aff. ¶¶ 164-165, 170-171. SWBT further encourages local competition in both Oklahoma and Kansas by making available to interested CLECs, pursuant to the FCC's SBC/Ameritech Merger Order, various discounts off of the OCC- and KCC-approved prices. These include a 25-percent discount for residential loops. See 14 FCC Rcd at 14874-75, ¶ 391.

[86] Final Order, Application of Cox Oklahoma Telecom, Inc. for a Determination of the Costs of, and Permanent Rates For, the Unbundled Network Elements of Southwestern Bell Telephone Company, Cause No. PUD 970000213, Order No. 424864 (OCC July 17, 1998) (App. G, Tab 17).

Performance. Comprehensive performance measurements confirm SWBT's ability to process unbundled-loop orders, to provision these loops, and to bill for them, all the while ensuring that these transactions flow through SWBT's systems in a timely and accurate fashion. See Dysart Aff. ¶¶ 75-149; Deere Aff. ¶ 11. Indeed, SWBT's performance in the ordering, provisioning, maintenance, and repair of unbundled loops in Kansas and Oklahoma is at least as good as it is in Texas. See generally Dysart Aff.

a. Kansas. SWBT's performance in the processing, provisioning, maintenance, and repair of unbundled loop requests has been superb, providing all CLECs a meaningful opportunity to compete to serve local customers statewide. In fact, SWBT has met or surpassed the Performance Plan's parity or benchmark standards for the vast majority of relevant monthly submeasures. See id. ¶ 75. SWBT provides competing carriers with voice-grade unbundled loops in substantially the same time and manner as it does in serving SWBT's own retail customers. Id. Over the past 12 months, SWBT has installed 98 percent of 8.0 dB loops within the applicable three-day time period, and the average installation interval for all 8.0dB and 5.0 dB loops has been 2.8 days. See id. ¶¶ 85-86. For both residential and business service, and across loop type, the percentage of SWBT-caused missed due dates has been higher for SWBT retail customers than for CLECs. Id. ¶ 89 & Attach. B; September Data Joint Aff. Attach. B (UNE loop and port combinations, DS1 circuits, 5.0 dB and 8.0 dB loops, and BRI loops (PMs 29-05, 29-06, 58-02, 58-03, 58-04, 58-06)). CLECs have also received faster and superior quality repair services (PMs 67-01, 67-02, 67-05, 69-01, 69-02) for each of the past three months. Dysart Aff. ¶ 90 & Attach. B; September Data Joint Aff. Attach. B.

Provisioning performance data additionally show that SWBT has met or exceeded the 95-percent five-hour FOC return benchmark for loop orders submitted over the EDI or LEX

interface for each of the three available disaggregated measures over the past three months (PMs 5-01, 5-04, 5-07). See Dysart Aff. ¶ 90 & Attach. B; September Data Joint Aff. Attach. B. Likewise, SWBT met or exceeded the 94-percent 24-hour FOC return benchmark for complex business orders submitted over the LEX interface for three of the past four months (PM 5-02). See Dysart Aff. ¶ 90 & Attach. B; September Data Joint Aff. Attach. B. Finally, SWBT met or exceeded the 95-percent 24-hour FOC return benchmark for manually submitted loop orders over that same time period (PMs 5-13, 5-14). See Dysart Aff. ¶ 90 & Attach. B; September Data Joint Aff. Attach. B.

b. Oklahoma. SWBT's performance in Oklahoma has also been excellent. Although there were insufficient orders to allow statistically significant results for any loop type over the past three months, SWBT provisioned 25 of 28 (89.3 percent) of 8.0 dB loop orders within the three-day benchmark (PM 56) through August of 2000, with an average installation interval of only 2.7 days (PM 55-01). See Dysart Aff. ¶ 77. Once adjusted to exclude modifications to existing retail service (i.e., the addition or subtraction of call-waiting, voice-mail, or other features), none of which requires actual field work, the percentage of SWBT-caused missed due dates is comparable to or more favorable for CLECs than for SWBT retail customers during June, July, and August. Id. ¶¶ 78-81 & Table 1. CLECs have also received superior quality loops and services, as evidenced by lower trouble report rates and faster repair services (PMs 65-01, 65-02, 65-03, 67-01, 69-01) over the past three months. Id. ¶¶ 82-83 & Table 2; September Data Joint Aff. Attach. A.

Provisioning performance data additionally show that SWBT has met or exceeded the 95-percent five-hour FOC return benchmark for loop orders submitted over the EDI or LEX interface for seven of the nine available disaggregated measures over the past three months (PMs

5-01, 5-04, 5-07). See September Data Joint Aff. Attach. A. Likewise, SWBT met or exceeded the 94-percent 24-hour FOC return benchmark for complex business orders submitted over the LEX interface for each of the past four months (PM 5-02). See id. Finally, SWBT met or exceeded the 95-percent 24-hour FOC return benchmark for manually submitted loop orders for at least three of the past four months (PMs 5-13, 5-14, 5-16). See id.

Coordinated and Frame Due Time Conversions ("Hot Cuts"). As in Texas, SWBT offers CLECs in Kansas and Oklahoma a choice between two different methods of coordinated conversions – the fully coordinated hot cut ("CHC") process and the frame due time ("FDT") hot cut process – allowing CLECs to select the process that best fits their resources and priorities. See generally Noland/D. Smith Joint Aff. ¶¶ 114-115. SWBT also has ample resources to satisfy CLEC demand for either CHC or FDT conversions, allowing CLECs to "choose freely between the CHC and FDT hot cut processes." Texas Order ¶ 261; see also id. ¶ 260 (there is no evidence "to warrant a determination that the CHC process is not capable of handling current demand"). Because SWBT provisions high-quality coordinated conversions in a timely manner and with a minimum of service disruption, SWBT provides CLECs a meaningful opportunity to compete.

In the Texas proceedings, SWBT demonstrated that its CHC process satisfied this Commission's hot cut standards for timeliness, quality, and minimal installation troubles. See id. ¶ 261. Although SWBT there demonstrated that it provisions FDT hot cuts in a timely manner and with a minimum number of troubles following installation, the number of service disruptions for FDT cuts exceeded the relevant benchmark. Id. ¶ 271. Because SWBT provides unbundled hot cut loops by converting active customers from SWBT to competing carriers, this Commission made clear that, for purposes of compliance with this checklist item, SWBT could

demonstrate nondiscriminatory access to coordinated conversions through the CHC process alone. Id. ¶¶ 261, 272.

a. Kansas. SWBT's performance in the provisioning of CHC hot cuts in Kansas satisfies the criteria approved by the FCC for demonstrating compliance with this checklist item. See Noland/D. Smith Joint Aff. ¶¶ 116-136; September Data Joint Aff. ¶ 55. Specifically, from July through September 2000, SWBT completed 92.68 percent of CHC orders for 1-10 lines on time (PM 114.1), performance superior to the 90-percent standard approved by this Commission in the New York and Texas proceedings. See September Data Joint Aff. ¶ 56; Texas Order ¶ 264; New York Order, 15 FCC Rcd at 4114-15, ¶ 309. During the period from June through August 2000, reconciled data for the Kansas City market area[87] demonstrate that SWBT completed at least 97.24 percent of CHC conversions without a service outage, again well above the 95-percent rate articulated by the FCC.[88] See Noland/D. Smith Joint Aff. ¶ 124. Finally, using the data collected for PM 59 (Percent Installation Reports (Trouble Reports) Within 30 Days (I-30) of Installation), SWBT has calculated trouble reports received on CHC and FDT conversions within seven days of installation (I-7). While the picture of SWBT's overall

[87] Because Kansas City, Kansas, and Kansas City, Missouri, are in the same LATA and are served off a single AT&T switch, the results for both cities have been combined for purposes of the SWBT/AT&T Performance Process Improvement Group ("PPIG") pursuant to a request from AT&T. See Noland/D. Smith Joint Aff. ¶ 122.

[88] Not one of the "outages" captured by the PPIG reconciliation involved a customer losing service following the completion of the coordinated conversion, the standard used by the new PM 115. See Noland/D. Smith Joint Aff. ¶¶ 123-126. Rather, in each instance, the hot cut was labeled an "outage" by the PPIG because the cutover interval exceeded one hour. See id. Because untimely conversions are captured directly by PM 114.1, cutovers exceeding one hour in length should not be considered outages for purposes of the FCC's five-percent standard. Such double counting would improperly collapse the timeliness and outages standards into a single measure. For example, if every cutover exceeding one hour in length were automatically considered an outage, a 94-percent on-time performance rate, which satisfies the Commission's 90-percent timeliness standard, would translate into a six-percent outage rate. See id. ¶ 127.

performance is somewhat skewed by the small number of coordinated conversions performed in Kansas, SWBT received trouble reports within seven days for a mere 1.45 percent of hot cuts completed between June and August 2000, again in satisfaction of the two-percent standard established by this Commission in the New York Order. See id. ¶¶ 133-134. Between July and September, there was not a single instance of reported trouble within seven days of a CHC conversion. September Data Joint Aff. ¶ 58.

Though SWBT's FDT procedure continues to be used in large numbers, and in fact exceeds CHC usage across SWBT's five-state region, see Noland/D. Smith Joint Aff. ¶ 138, FDT conversion orders have been rare in Kansas. In fact, between June and August, SWBT received orders to perform FDT conversions for a total of eight lines. Although SWBT performed each of those conversions without a single premature disconnect or a single case of reported trouble within seven days, one of the eight cutovers took an hour-and-a-half to complete.[89] See id. ¶¶ 119, 121, 136. Due to the limited sample size, this 30-minute delay translates into an on-time performance rate of 87.5 percent, just shy of the 90-percent benchmark. See id. ¶ 119. This shortfall does not offer a complete picture of SWBT's ability to perform timely FDT cuts, and in any event disappears during the July-September time frame. See September Data Joint Aff. ¶ 56. SWBT has devoted considerable time and resources to perfecting the FDT procedure throughout its five-state region, and there is no reason to believe that SWBT's performance rate in Kansas will not meet or exceed that in Texas once Kansas

[89] Though the PPIG reconciliation data identifies two "outages" for Kansas, both are artificial. Because the PPIG uses a 30-minute standard for FDT orders instead of the 60-minute standard employed by the FCC, one of the purported "outages" occurred when a cut took more than 30, but less than 60, minutes to complete. See Noland/D. Smith Joint Aff. ¶ 126. The second "outage" involves the 90-minute cut captured by PM 114.1, and did not involve a customer losing service following completion of the conversion. It should not be considered an outage for purposes of the Commission's five-percent benchmark.

CLECs begin to order FDT cuts in sufficient numbers to provide an accurate portrait of SWBT's performance. See Texas Order ¶ 272 ("[t]he record reflects that SWBT is working to further refine the FDT process"). In any event, since SWBT's CHC performance fully satisfies the standards for hot cut loops, and since CLECs can freely choose between the CHC and FDT processes, SWBT's CHC data demonstrate that SWBT provides nondiscriminatory access to coordinated conversions in Kansas.

b. Oklahoma. As the OCC concluded, SWBT's performance data demonstrate SWBT's ability to convert its customers to CLEC service in a timely manner – whether the CLEC chooses to coordinate the conversion with SWBT or to use the simpler FDT method. See OCC Final Order at 182. Between July and September 2000, SWBT completed 100 percent of CHC orders of fewer than ten lines within one hour, as well as 100 percent of FDT orders.[90] See September Data Joint Aff. ¶ 56. SWBT's performance here surpasses the Commission's 90-percent timeliness standard. See id.; Texas Order ¶ 264; New York Order, 15 FCC Rcd at 4114-15, ¶ 309. Second, SWBT has established that it caused zero premature disconnects between June and September. See September Data Joint Aff. ¶ 56. While the old PM 115 admittedly does not capture outages caused during a conversion, SWBT and the CLECs agreed to reform the business rules for PM 115 during the Texas six-month performance review so as to capture any such outages. See Noland/D. Smith Joint Aff. ¶ 131. Moreover, SWBT has painstakingly reviewed its internal records and established that, between April and August 2000, there was not a single "outage" after a cut had been accepted by the CLEC on the day of or before noon on the

[90] SWBT received orders to perform only five FDT conversions in Oklahoma between June and September. All were completed within one hour, without an outage, and without reported trouble within seven days from installation. See September Data Joint Aff. ¶¶ 56, 58; Noland/D. Smith Joint Aff. ¶¶ 119, 130, 136.

day after the conversion. See id. ¶ 130. Accordingly, SWBT has met the FCC's five-percent benchmark for outages. Id. Finally, SWBT has calculated the percentage of I-7 trouble reports from its I-30 data. See id. ¶ 133. Oklahoma CLECs reported trouble on only 1.48 percent of CHC conversions between July and September 2000, again consistent with the FCC's two-percent standard. See September Data Joint Aff. ¶ 58.

E. Checklist Item 5: Unbundled Local Transport

Section 271(c)(2)(B)(v) of the competitive checklist requires SWBT to offer "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." 47 U.S.C. § 271(c)(2)(B)(v); see also 47 C.F.R. § 51.319(d). Both the KCC Staff and the OCC have found that SWBT satisfies this checklist item. See KCC Staff Report at 64; OCC Final Order at 184.

SWBT provides access in Kansas and in Oklahoma to both dedicated interoffice transport and shared (common) transport consistent with FCC requirements. Deere Aff. ¶¶ 128-148; Sparks Aff. ¶¶ 126-130; K2A Attach. 6 – UNE, § 8.0; O2A Attach. 6 – UNE, § 8.0. In addition to these standard offerings, a CLEC may obtain new or additional unbundled transport elements through the Special Request process. Deere Aff. ¶ 147. The terms and conditions for local transport in both the K2A and the O2A are the same as those in the T2A, and include the provision of interoffice dark fiber in conformance with the UNE Remand Order. Id. ¶ 148.

Dedicated Transport. Dedicated transport is available at standard transmission speeds of up to OC-48, and is available between wire centers or switches owned by SWBT, a CLEC, or third parties acting on behalf of a CLEC. Id. ¶¶ 133-134. Higher speeds will be provided as they become technically feasible. Id. ¶ 134. SWBT also permits CLECs to use dark fiber as an

unbundled element to provide dedicated transport. Id. ¶¶ 133, 137; Sparks Aff. ¶¶ 127-128; K2A Attach. 6 – UNE, § 8.2.2; O2A Attach. 6 – UNE, § 8.2.2.

SWBT provides cross-connections necessary to extend dedicated transport facilities to points of access designated by a CLEC. Deere Aff. ¶ 146. In addition, SWBT offers CLECs the use of its Digital Cross-Connect System – which allows CLECs to exchange signals between high-speed digital circuits without returning the circuits to analog electrical signals – with the same functionality that SWBT provides its IXC customers. Id. ¶¶ 138-145.

Shared Transport. In accordance with the "shared transport" requirements of the FCC's UNE Remand Order, SWBT makes available shared (or "common") transport between SWBT central office switches, between SWBT tandem switches, and between SWBT tandem switches and SWBT central office switches. Sparks Aff. ¶ 130; Deere Aff. ¶ 132; K2A Attach. 6 – UNE, § 8.1.1; O2A Attach. 6 – UNE, § 8.1.1. This shared transport offering enables CLECs to have their traffic carried on the same transport facilities that SWBT uses for its own traffic. Sparks Aff. ¶ 130; Deere Aff. ¶ 128. CLECs using shared transport have access to the same routing tables that SWBT uses for its retail operations. Sparks Aff. ¶ 130; Deere Aff. ¶ 269. These CLECs may use shared transport to carry originating interexchange access traffic from, and terminating interexchange access traffic to, customers to whom the CLEC is providing local exchange service, while collecting the associated access charges. Sparks Aff. ¶ 130.

Enhanced Extended Loop. As discussed in Part II.C, supra, under the K2A and the O2A, SWBT will combine unbundled 2- or 4-wire analog or digital loops with unbundled voice-grade DS0, DS1, or DS3 dedicated transport to provide new EEL arrangements. Id. ¶¶ 118-120; K2A Attach. 6 – UNE, § 14.7; O2A Attach. 6 – UNE, § 14.7. These terms and conditions associated with SWBT's agreement to assemble new EEL combinations are more generous than the terms

required under the UNE Remand Order, which addressed "existing combinations of loop and transport between the end user and the incumbent LEC's serving wire center" (15 FCC Rcd at 3912, ¶ 486 (emphasis added)); opened a further proceeding regarding transport links to IXC points of presence; and permitted incumbent LECs to restrict use of converted special access facilities for access bypass. See id. at 3909, ¶ 480, 3912-13, ¶¶ 486-489, 3914-15, ¶¶ 494-496.[91] SWBT's K2A and O2A EEL offerings are the same as those in the T2A, an arrangement that this Commission already found acceptable. See Texas Order ¶ 224; Sparks Aff. ¶ 120.

Performance. Available data confirm that CLECs have nondiscriminatory access to dedicated and shared transport elements.[92] In Kansas, SWBT performed in parity for the last seven months for PM 65-06 (Trouble Report Rate – DS1 Dedicated Transport). Dysart Aff. ¶ 153; September Data Joint Aff. Attach. P. Kansas CLECs experienced only seven trouble reports for DS1 dedicated transport circuits during that period. September Data Joint Aff. Attach. D. SWBT also achieved parity in each of the past two months for PM 65-11 (Trouble Report Rate - DS3 Dedicated Transport). Id. ¶ 50. In Kansas, no trouble reports were generated for CLECs' 19 DS3 dedicated transport circuits in service in August, and none were generated for CLECs' 39 circuits in service in September. Id.

SWBT's performance in Oklahoma tells a similar story. Results were in parity for the last nine months for PM 65-06 (Trouble Report Rate – DS1 Dedicated Transport). Dysart Aff. ¶ 151; September Data Joint Aff. Attach. O. Oklahoma CLECs experienced only 17 trouble

[91] See Supplemental Order, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 15 FCC Rcd 1760 (1999); see also New York Order, 15 FCC Rcd at 4079-80, ¶ 235.

[92] As was the case in Texas, in both Kansas and Oklahoma there are "very few months and regions where more than 10 data points were recorded." Texas Order ¶ 333 n.924.

reports for DS1 dedicated transport circuits during that period. September Data Joint Aff. Attach. C. SWBT also achieved parity in each of the past two months for PM 65-11 (Trouble Report Rate - DS3 Dedicated Transport). Id. ¶ 50. In Oklahoma, no trouble reports were generated by CLECs' 24 DS3 dedicated transport circuits in service in August, and only two trouble reports were generated by CLECs' 43 DS3 circuits in service in September. Id.

F. Checklist Item 6: Unbundled Local Switching

As both the KCC Staff and the OCC have found, SWBT also satisfies section 271(c)(2)(B)(vi), which requires that a BOC provide "[l]ocal switching unbundled from transport, local loop transmission, or other services." 47 U.S.C. § 271(c)(2)(B)(vi); see KCC Staff Report at 65; OCC Final Order at 184. SWBT provides CLECs unbundled switching capability with the same features and functionality available to SWBT's own retail operations, in a nondiscriminatory manner. Deere Aff. ¶¶ 269-270, 276-284. This offering is proven through actual commercial provisioning, as SWBT is furnishing more than 17,000 unbundled switch ports in Kansas, and more than 6,000 in Oklahoma, mostly in combination with unbundled local loops. J.G. Smith/Johnson Joint Aff. Attach. A. The terms and conditions for local switching in both the K2A and the O2A are the same as those in the T2A except for the addition of a provision for packet switching in accordance with the UNE Remand Order. Deere Aff. ¶¶ 150, 188.

Available Facilities and Functions. SWBT provides requesting carriers access to line-side and trunk-side switching facilities, plus the features, functions, and capabilities of the switch. Id. ¶¶ 151-154; Sparks Aff. ¶ 131; K2A Attach. 6 – UNE, § 5.1; O2A Attach. 6 – UNE, § 5.1; see also Second Louisiana Order, 13 FCC Rcd at 20722-23, ¶¶ 207-209; Texas Order ¶¶ 336-338. SWBT's offerings include, among other things, the connection between a loop

termination and a switch line card, Deere Aff. ¶ 152; the connection between a trunk termination and the trunk card, id. ¶ 153; all vertical features the switch is capable of providing, id. ¶¶ 154, 161; and any technically feasible routing features, id.

SWBT also provides CLECs access to all call origination and completion capabilities of the switch, including capabilities for intraLATA and interLATA calls. Id. ¶ 156. Unbundled packet switching and unbundled tandem switching also are available. Id. ¶¶ 163-170. SWBT provides CLECs with the necessary cross-connects for local switching. Id. ¶¶ 173-187. SWBT also furnishes CLECs with usage records that enable them to collect from their customers all exchange access and reciprocal compensation charges associated with these capabilities. Sparks Aff. ¶¶ 133-135.

Customized Routing. SWBT provides two methods by which CLECs using unbundled local switching may have calls "custom routed" according to their own specifications. These are Advanced Intelligent Network ("AIN") and line class codes. Deere Aff. ¶¶ 158-159. AIN is the standard method. Id. ¶ 158. AIN is a vendor-independent network architecture that allows the creation of customized telecommunications services. Id. ¶¶ 239-249. In a few low-volume applications where AIN is not technically feasible (such as for hotel/motel services, certain coin services, and ports using voice-activated dialing), SWBT employs line class codes to custom-route CLEC calls. Id. ¶ 159. SWBT has thus far received no orders for customized routing using line class codes and does not expect to receive such orders in any sizable volumes. Id. ¶ 160.

G. Checklist Item 7: Nondiscriminatory Access to 911, E911, Directory Assistance, and Operator Call Completion Services

In the Texas Order, the FCC held that SWBT satisfied the requirements of 47 U.S.C. § 271(c)(2)(B)(vii) by making emergency, directory assistance ("DA"), and operator services

("OS") available to carriers that wanted them. See Texas Order ¶¶ 344, 349. Because SWBT employs substantially the same systems, processes, and procedures to provide 911, OS, and DA services in Kansas and Oklahoma as it does in Texas, SWBT satisfies this checklist item in these states as well. See generally Deere Aff. ¶¶ 189-209; Rogers Aff. ¶¶ 4-50 (App. A, Tab 7). Both the OCC and the KCC Staff have held that SWBT satisfies this checklist item in Oklahoma and Kansas respectively. OCC Final Order at 185 (911) (OS/DA); KCC Staff Report at 67 (911), 69 (OS/DA).

911. 911 services allow telephone subscribers quick access to emergency assistance. With E911 service, the governmental body responding to an emergency call automatically receives the name and location of the caller, allowing for fast, efficient emergency response. SWBT provides CLEC customers and its own retail customers identical access to the type of 911 service selected by the governmental body responsible for 911 service. Deere Aff. ¶ 191. CLECs may provide 911 access service directly to the governmental body, or they may interconnect to SWBT's existing service arrangement at the government's request. Id.

At a CLEC's request, SWBT stores CLEC customer information in SWBT's E911 Database Management System, transports E911 calls from the CLEC's chosen switching facilities to SWBT's E911 control office, switches those calls through the SWBT control office to the appropriate Public Safety Answering Point ("PSAP"), and transmits the relevant customer information to the PSAP along with the E911 call. Id. ¶ 192. SWBT provides and maintains all equipment necessary for these services. Id.

SWBT maintains dedicated E911 circuits according to CLECs' specifications. Id. ¶ 193. SWBT has installed 92 E911 trunks and 47 E911 trunks in Kansas and Oklahoma respectively to serve CLECs in those states. See J.G. Smith/Johnson Joint Aff. Attach. A. Because SWBT does

not have access to calling and blockage data on CLEC-originating trunks, however, CLECs must determine the number of dedicated E911 trunks they require and place timely orders for new trunks. Deere Aff. ¶ 193.

SWBT has established a performance measure to assess the accuracy of CLECs' E911 database updates. Dysart Aff. ¶¶ 155-156. From June 2000 through September 2000, there were no errors at all in CLECs' updates in either Kansas or Oklahoma. Id. ¶¶ 155-156 & Attachs. X & Y (PM 103-01); September Data Joint Aff. Attachs. U & V. SWBT likewise has uniformly provided CLECs parity in the timeliness of 911 database updates. Dysart Aff. Attachs. X & Y (PM 104-01); September Data Joint Aff. Attachs. U & V.

Directory Assistance/Operator Services. SWBT's DA offerings allow CLECs (including both facilities-based carriers and resellers) to obtain nondiscriminatory access to DA, DA call completion, call branding, and rate quotation services. See generally Rogers Aff. CLECs may elect to provide DA services to their customers or route their customers' DA calls to themselves or a third-party provider, or, alternatively, SWBT can provide these services. Id. ¶¶ 11, 13-16; Deere Aff. ¶¶ 137-138. Sixteen CLECs are utilizing SWBT's DA offerings in Oklahoma, while 21 CLECs are utilizing those offerings in Kansas. See J.G. Smith/Johnson Joint Aff. Attach. A.

Where CLECs opt to have SWBT provide DA services, the CLECs' end users obtain DA through the same dialing arrangements used by SWBT's own end users, so there is no unreasonable dialing delay. Rogers Aff. ¶ 48; see 47 C.F.R. § 51.217. SWBT ensures nondiscriminatory access to OS and DA by processing all calls from all customers on a first-come, first-served basis. Rogers Aff. ¶ 48.

CLECs that provide their own DA services can obtain direct, nondiscriminatory access to SWBT's DA database, obtaining listing information by searching the same DA database on a

query-by-query basis that SWBT's DA operators use. Id. ¶ 36. Since the technical configurations for direct access to the DA database have to be implemented to suit each customer's needs, this service is priced on a case-by-case basis. Id. ¶ 46. In addition, SWBT provides DA listing in bulk with daily updates to CLECs that want to utilize SWBT's DA listings to provide DA services to their own customers. Id. ¶ 37. Consistent with this Commission's position regarding provision of listing information, SWBT provides requesting CLECs in Oklahoma and Kansas all available DA listings in SWBT's DA database. Id. ¶ 37; see Second Louisiana Order, 13 FCC Rcd at 20745, ¶ 249.

SWBT's OS include fully automated call processing, semi-automated call processing, station-to-station operator handled calls, line status verification, busy line interrupt, operator transfer, and other miscellaneous operator services. See Rogers Aff. ¶ 19. SWBT provides nondiscriminatory access to each of these services. Id. ¶ 22; Dysart Aff. ¶¶ 79, 152-157. OS calls from SWBT's retail customers and from CLECs' customers are processed by the same OS system and personnel in the order in which they are received, which assures CLEC customers the same answer performance as SWBT retail and other wholesale customers. Rogers Aff. ¶ 48; Dysart Aff. ¶ 153. Fifteen CLECs are utilizing SWBT's OS offerings in Oklahoma, while 21 CLECs are utilizing those offerings in Kansas. See J.G. Smith/Johnson Joint Aff. Attach A.

SWBT will provide carrier-specific branding for DA and OS, regardless of whether the requesting carrier uses dedicated or shared trunks (i.e., unbundled local switching and resale) to deliver its traffic to SWBT's OS switch. Id. ¶ 31. Pricing for branding in SWBT's current interconnection agreements, negotiated prior to the FCC's UNE Remand Order, is UNE-based, although market-based rates are now offered. Id. ¶ 43.

Because SWBT's systems process all calls on a first-come, first-served basis and do not distinguish between a call originated by a SWBT customer and one by a CLEC customer, SWBT reports aggregated DA and OS performance for all carriers' end user calls. Dysart Aff. ¶¶ 153-154. Any other arrangement would introduce into SWBT's systems a possibility of disparate treatment that currently does not exist.

Performance measures for OS and DA include: Directory Assistance Average Speed of Answer; Operator Services Average Speed of Answer; Average Update Interval for DA Database; Percentage of Database Accuracy for Manual Updates; and Percent of Updates into DA Database Within 72 Hours. Id. ¶¶ 155-156 & Attachs. X & Y; September Data Joint Aff. ¶¶ 59-60 & Attachs. U & V. In the past four months, SWBT has attained perfect performance for all of these measures in Oklahoma and near perfect performance in Kansas. September Data Joint Aff. ¶¶ 59-60 & Attachs. U & V.

H. Checklist Item 8: White Pages Directory Listings

Section 271(c)(2)(B)(viii) requires SWBT to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service." 47 U.S.C. § 271(c)(2)(B)(viii). In the Texas Order, the FCC found that SWBT satisfied the requirements of this checklist item. See Texas Order ¶ 355. Since SWBT provides access to White Pages directory listings in Oklahoma and Kansas using substantially the same procedures and processes as in Texas, SWBT also satisfies this checklist item in Oklahoma and Kansas. See Rogers Aff. ¶¶ 6, 51-65. The OCC has held that SWBT satisfies this checklist item in Oklahoma; the KCC Staff has also held that SWBT meets this requirement in Kansas. OCC Final Order at 187; KCC Staff Report at 70.

As the performance measures for timeliness and accuracy of the DA database updates show, CLEC listings are maintained in a nondiscriminatory manner. See Dysart Aff. ¶¶ 155-

156. Because CLECs are able to input, verify, and correct their own customer directory information, there is no need for a separate White Pages listing performance measure. Rogers Aff. n.41.

Listings. SWBT makes available White Pages listings for the end users of both resellers and facilities-based CLECs. Id. ¶¶ 51-53. CLECs have the same listing options for their customers as SWBT offers to its retail customers. See id. ¶¶ 53-57. Facilities-based CLECs may choose whether to have their customers' listings interspersed or printed separately from SWBT's listings. Id. ¶ 53. SWBT also will transmit facilities-based CLECs' listings to third-party directory publishers at a CLEC's request. Id. ¶ 65. Through August 2000, SWBT has provided CLECs in Kansas with more than 100,000 White Pages directory listings and CLECs in Oklahoma with about 75,000 White Pages directory listings. See J.G. Smith/Johnson Joint Aff. Attach. A.

I. Checklist Item 9: Nondiscriminatory Access to Telephone Numbers

When it served as Central Office ("CO") Code Administrator in its region, SWBT satisfied the requirement of 47 U.S.C. § 271(c)(2)(B)(ix) by following number administration guidelines published by the Industry Numbering Committee. See generally Adair Aff. (App. A, Tab 2); OCC Final Order at 187. Pursuant to those industry-standard procedures, SWBT assigned 57 NXX central office codes representing 570,000 telephone numbers to ten CLECs in Kansas; SWBT assigned a total of 73 NXX central office codes capable of supporting 730,000 telephone numbers to eight CLECs operating in Oklahoma. Adair Aff. ¶ 13. SWBT utilized identical standards and procedures for processing all number requests, regardless of the requesting party, and charged no fees for activating CO codes. SWBT did not turn down any requests for NXX code assignments, other than in the course of implementing jeopardy plans for

number conservation that had been developed by the KCC and the OCC and interested industry participants. Id. ¶¶ 13-14.

On February 1, 1999, Lockheed Martin assumed CO code administration responsibilities in Kansas and Oklahoma, and SWBT has had no responsibility for number administration since that time. Id. ¶ 19. Although it is no longer a CO code administrator, and no longer performs any functions with regard to number administration or assignment, SWBT continues to adhere to all relevant industry guidelines and Commission rules, including those provisions requiring accurate reporting of data to the Code Administrator. Id.; OCC Final Order at 187.

J. Checklist Item 10: Nondiscriminatory Access to Databases and Associated Signaling Necessary for Call Routing and Completion

Checklist Item 10 requires a BOC to provide "[n]ondiscriminatory access to databases and associated signaling necessary for call routing and completion." 47 U.S.C. § 271(c)(2)(B)(x). In the Texas Order, the FCC held that SWBT satisfied this checklist item in Texas. Texas Order ¶ 364. Because SWBT employs substantially the same relevant systems, processes, and procedures in Oklahoma and Kansas as it does in Texas, SWBT also provides nondiscriminatory access to signaling and call-related databases in these states. Deere Aff. ¶ 211. The OCC has held that SWBT meets this checklist item in Oklahoma and the KCC Staff has likewise held that SWBT meets this requirement in Kansas. OCC Final Order at 188; KCC Staff Report at 72.

Signaling Networks. When a CLEC purchases unbundled local switching from SWBT, it automatically obtains the same access to SWBT's signaling network as SWBT provides itself. Deere Aff. ¶ 216; O2A Attach. 6 – UNE, § 9.2.2.1; K2A Attach. 6 – UNE, § 9.2.2.1. CLECs can use this unbundled access to furnish SS7-based services for their own end user customers' calls or the calls of end user customers of other carriers. Deere Aff. ¶ 215. SS7 signaling is available

between CLEC switches, between CLEC switches and SWBT switches, or between CLEC switches and the networks of other carriers connected to SWBT's SS7 network. Id.

Call-Related Databases. SWBT offers CLECs nondiscriminatory access to a variety of call-related databases. Specifically, SWBT provides access to its Line Information Database ("LIDB"), calling name databases ("CNAM"), toll-free databases, and AIN. See id. ¶¶ 223-250; Rogers Aff. ¶¶ 70-86. SWBT likewise offers nondiscriminatory access to its service management systems ("SMS"), which are used to create, modify, and update information in the call-related databases. See 47 C.F.R. § 51.319(e)(3); Rogers Aff. ¶¶ 78-83. SWBT's call-related databases are all operated and managed on a five-state basis, so this Commission's evaluation and findings related to these databases for Texas apply equally to Kansas and Oklahoma. See Rogers Aff. ¶ 6.

SWBT maintains all data in the databases in accordance with the confidentiality requirements of 47 U.S.C. § 222. Deere Aff. ¶ 246.

K. Checklist Item 11: Number Portability

In the Texas Order, the Commission held that SWBT was providing both permanent number portability and interim number portability in conformance with the requirements of this checklist item. Texas Order ¶ 371. Because number portability is provided using the same systems and processes throughout the five-state SWBT region, SWBT's compliance in Texas effectively demonstrates that it satisfies this requirement in Kansas and Oklahoma as well. Indeed, the OCC and the KCC Staff have found that SWBT has demonstrated compliance with this checklist item in both states. OCC Final Order at 40; KCC Staff Report at 75.

In accordance with Checklist Item 11, CLECs served more than 100,000 ported SWBT numbers in Oklahoma and more than 84,000 ported numbers in Kansas as of the end of August

2000. See Orozco Aff. ¶ 29 (App. A, Tab 6). Whether ported with unbundled local loops or on a stand-alone basis, these numbers were ported in a timely and efficient manner, without unreasonable service disruptions.

Long-Term Number Portability. As the Affidavit of Gilbert T. Orozco describes, SWBT has implemented long-term number portability ("LNP") using the Location Routing Number ("LRN") method that this Commission "prefer[s]."[93] LNP is operational in 192 SWBT switches in Oklahoma and 160 SWBT switches in Kansas. Orozco Aff. ¶ 29. These switches serve more than 93 percent of SWBT's access lines in Oklahoma and more than 95 percent in Kansas. Id. CLECs may order LNP, with or without an unbundled loop, through SWBT's electronic OSS systems. Id. ¶¶ 26-28. Rigorous third-party testing as well as actual operational experience have established these systems' ability to support ordering, maintenance and repair, and billing of LNP. Id. ¶ 20.

To minimize disruptions of service while numbers are being ported, SWBT uses an unconditional ten-digit trigger ("UCT") process. Id. ¶ 23. UCT is activated on the customer's number upon receipt of the initial porting order. Id. When the CLEC activates its switch port, calls to the customer's telephone number are routed automatically to the CLEC's switch. Id. This makes it unnecessary for SWBT and the CLEC to coordinate LNP cutovers on a minute-to-minute basis for simple porting requests. Id. For large, complex orders and in the few geographic areas where UCT is not feasible, however, SWBT does conduct coordinated LNP conversions with CLECs. Id. ¶ 24.

[93] Second Report and Order, Telephone Number Portability, 12 FCC Rcd 12281, 12287-88, ¶ 8 (1997).

In July 1999, the FCC approved SWBT's monthly end user charge and a database query service charge for LNP. Id. ¶¶ 28-31; see also Memorandum Opinion and Order, Long-Term Number Portability Tariff Filings, 14 FCC Rcd 11883, 11928-36, ¶¶ 101-115 (1999).

Interim Number Portability. Pending implementation of LNP, SWBT developed interim number portability ("INP") as a temporary means of enabling facilities-based CLECs' customers to retain their phone numbers when they switched to a new local service provider. Deere Aff. ¶¶ 253-260. In the very limited circumstances where INP is still used, it is available in accordance with FCC requirements. Id. As an alternative to INP, SWBT will also migrate a NXX code to a CLEC where all numbers in the code will be served by the CLEC. Id. ¶ 258.

As required by the FCC, SWBT shares terminating access revenues with CLECs for customer lines still ported via INP. See Second Louisiana Order, 13 FCC Rcd at 20766, ¶ 287; K2A Attach. 12 – Compensation, § 9; O2A Attach. 12 – Compensation, § 9.

Performance. In both Kansas and Oklahoma, SWBT met most of the LNP-related performance benchmarks for which statistically significant data are available, including PM 91-01 (Percentage of LNP Only Due Dates Within Industry Guidelines); PM 92-01 (Percentage of Time the Old Service Provider Releases the Subscription Prior to the Expiration of the Second 9 Hour (T2) Timer); PM 98-01 (Percent LNP Trouble Reports Within 10 Days of Installation); and PM 100-01 (Average Time of Out of Service for LNP Conversions). See Dysart Aff. Attachs. Z & AA; September Data Joint Aff. Attachs W & X. SWBT met PM 101-01 (Percent Out of Service Less than 60 Minutes) in each of the last three months (July-September) in Kansas, and in two of the last three months in Oklahoma. See September Data Joint Aff. ¶ 62 & Attachs. W & X. In Oklahoma, SWBT had only two narrow misses – PM 96-01 (Percent Premature Disconnects – LNP Only) and PM 95-01 (Average Response Time for Non-Mechanized Rejects

Returned – LNP only) – for the July through September period. See September Data Joint Aff. ¶ 63. SWBT's miss in PM 96 is largely attributable to a programming error that led SWBT to consider data that should have been excluded from this measure. See Dysart Aff. ¶ 158. SWBT's performance on PM 95 exceeded the benchmark by less than two hours in both months that it missed – August and September. See September Data Joint Aff. ¶ 63 & Attach. W. Furthermore, this measurement has been deleted from Version 1.7. Id. SWBT's only miss in Kansas was for PM 94-05 (LNP Percent FOCs Received within 24 hours – LNP Complex Business (1-19) – LEX). SWBT only failed to return three out of 32 FOCs during August and September within the prescribed benchmark. See September Data Joint Aff. ¶ 67.

The KCC Staff accordingly found that "the data . . . demonstrate that, in general, SWBT provides nondiscriminatory access to local number portability," KCC Staff Report at 75, and the OCC concluded that "Southwestern Bell's provision of LNP facilitates meaningful competition in Oklahoma," OCC Final Order at 189.

L. Checklist Item 12: Local Dialing Parity

Local dialing parity ensures that CLECs' customers are able to place calls within a given local calling area by dialing the same number of digits as a SWBT end user. This Commission anticipated "that local dialing parity [would] be achieved upon implementation of the number portability and interconnection requirements of section 251."[94] SWBT provides nondiscriminatory access to services and information that are necessary to allow local dialing parity in Kansas and Oklahoma using the same procedures and processes it used in Texas, see Deere Aff. ¶¶ 261-264; and which the Commission found to satisfy this checklist item. See

[94] Second Report and Order and Memorandum Opinion and Order, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 19392, 19430, ¶ 71 (1996).

Texas Order ¶ 375. The OCC has held that SWBT meets this checklist item in Oklahoma; the KCC Staff has likewise held that SWBT meets this requirement in Kansas. OCC Final Order at 189; KCC Staff Report at 76.

M. Checklist Item 13: Reciprocal Compensation for the Exchange of Local Traffic

Traffic exchanged between SWBT and CLECs serves as one measure of actual local competition. Consistent with sections 271(c)(2)(B)(xiii) and 252(d)(2), SWBT facilitates such exchanges by entering into just and reasonable reciprocal compensation arrangements for transport and termination of local traffic on the other carrier's network. In the Texas Order, based on the options offered to CLECs under the T2A, the Commission found that SWBT satisfies this checklist item. See Texas Order ¶¶ 379-380. Although one option that was available under the T2A has expired, the other reciprocal compensation arrangements available under the T2A are also available under the K2A and the O2A; in addition, interconnection agreements in both Kansas and Oklahoma contain negotiated rates for reciprocal compensation on local traffic. Sparks Aff. ¶ 137. The OCC and the KCC Staff have concluded that SWBT is in compliance with this checklist item. OCC Final Order at 41; KCC Staff Report at 78.

Pursuant to these reciprocal compensation arrangements, SWBT has received 118 million minutes of traffic from CLECs since January 1, 1997, in Oklahoma and more than 5.5 million minutes in Kansas; CLECs have received nearly 375 million minutes of traffic – both local and Internet-bound – from SWBT in Kansas and nearly 730 million minutes in Oklahoma. J.G. Smith/Johnson Joint Aff. Attach. A. This traffic has been accurately accounted for, and the appropriate parties have been compensated at lawful rates. Sparks Aff. ¶¶ 147-148.

Rates. In the O2A and the K2A, SWBT offers alternative arrangements for reciprocal compensation. See id. ¶ 140. One alternative is bill-and-keep; the second option is to negotiate

and, if necessary, arbitrate terms governing reciprocal compensation while operating under the other terms of the O2A and the K2A. Id. ¶¶ 141-142. If the CLEC does not choose either of these two alternatives, SWBT will agree to pay reciprocal compensation on all but Internet-bound traffic, which is non-local, at rates established by the appropriate state commission. Both the OCC and the KCC established rates for transport and termination as described in the affidavit of Rebecca Sparks. See id. ¶ 140; K2A Attach. 12 – Compensation; K2A Attach. 6, App. Pricing – UNE – Schedule of Prices; O2A Attach. 12 – Compensation; O2A, Attach. 6, App. Pricing – UNE – Schedule of Prices.

Usage Data and Billing. SWBT records usage data for traffic passed between its network and CLECs' networks, including usage data for terminating access and 800-number traffic. Sparks Aff. ¶¶ 130, 147; see also Part V.F, supra (unbundled switching). On a monthly basis, SWBT transmits summaries of this usage information to the terminating CLEC for billing. Sparks Aff. ¶ 147. For CLECs using SWBT's unbundled local switching, however, calls originating from a third-party, facilities-based carrier and terminating to the CLEC are identified in usage recordings simply as being routed to SWBT's assigned telephone numbers. Id. ¶¶ 149-150. SWBT is currently working with the industry to develop a process for exchanging records necessary for reciprocal compensation under this scenario. Id. In the interim, SWBT has satisfied checklist requirements by implementing with other carriers a surrogate mechanism that credits CLECs for reciprocal compensation on calls terminated from third-party, switch-based providers. Id.; see Second Louisiana Order, 13 FCC Rcd at 20736, ¶ 233.

Internet-Bound Traffic. The FCC has determined that it will not address disputes concerning payment of reciprocal compensation for Internet-bound traffic in the context of a section 271 application. Texas Order ¶ 386. In any event, SWBT is fully complying with all

applicable state commission orders concerning this traffic. The KCC has not yet addressed the treatment of Internet-bound traffic. See Sparks Aff. ¶ 139. The OCC has ordered SWBT to pay reciprocal compensation on Internet-bound traffic under one interconnection agreement; pending appeal, SWBT has complied with that order, as the OCC has found. Id.; OCC Final Order at 190. Similarly, the KCC Staff has concluded that SWBT is fully in compliance with this checklist item. See KCC Staff Report at 78.

N. Checklist Item 14: Resale

SWBT's resale offerings allow CLECs to enter the local markets in Kansas and Oklahoma with virtually no investment or delay. This is confirmed by the presence of CLECs reselling more than 94,700 lines in Kansas and at least 54,600 lines throughout Oklahoma, see J.G. Smith/Johnson Joint Aff. ¶ 40 & Table 9. In Kansas, SWBT, AT&T, and the KCC Staff have agreed to a new uniform avoided cost discount of 21.6 percent, which is incorporated in the K2A along with an optional, disaggregated discount package.[95] Ries KS Aff. ¶ 41; Sparks Aff. ¶ 178. In Oklahoma, the OCC has established a wholesale discount rate of 19.8 percent for telecommunications services offered at retail to customers that are not IXCs.[96] See Ries OK Aff.

[95] K2A Attach. 1 – Resale, App. Services/Pricing § 14.1. In 1997, the KCC had established an interim avoided cost discount of 14.9 percent, see Sparks Aff. ¶ 23, but the KCC established a permanent discount of 21.6 percent. Order Granting Motion To Approve Stipulation and Canceling Procedural Schedule at 3, ¶ 5, Joint Application of Sprint Communications Co., L.P. et al., To Open a Generic Proceeding on Southwestern Bell Telephone Co.'s Rates for Interconnection, Unbundled Elements, Transport and Termination, and Resale, Docket No. 97-SCCC-149-GIT (KCC Mar. 10, 2000) (App. G, Tab 34).

[96] See Order Regarding Unresolved Issues, Application of AT&T Communications of the Southwest, Inc. for Compulsory Arbitration of Unresolved Issues, Cause No. PUD 960000218, Order No. 407704 (OCC Dec. 12, 1996) (App. G, Tab 9).

¶ 13; Sparks Aff. ¶ 196. This uniform 19.8-percent discount has been incorporated into the O2A.[97]

The telecommunications services that SWBT provides CLECs for resale in both states are identical to the services SWBT furnishes its own retail customers. See Sparks Aff. ¶ 23. SWBT offers wholesale discounts on promotional offerings lasting more than 90 days. Id. ¶ 157; K2A Attach. 1 – Resale, § 4.2; O2A Attach. 1 – Resale, § 4.2. In Kansas, SWBT will give CLECs ten days notice before introducing a new promotion. See K2A Attach. 1 – Resale § 8.1. For retail services that SWBT offers to a limited group of customers (such as grandfathered services), SWBT allows resale to the same group of customers to which SWBT sells the services, in accordance with 47 C.F.R. § 51.615. See Sparks Aff. ¶ 158. SWBT's customer-specific contracts are available for resale to similarly situated customers; in Kansas, CLECs may resell these contracts without triggering termination liability to the end user. Id. ¶ 160; K2A Attach. 1, App. Services/Pricing, § 16.0.[98] In Oklahoma, a customer electing to terminate its service with SWBT may be subject to termination liabilities to the extent they were part of the terms of the original contract. Sparks Aff. ¶ 161.[99] In Kansas, the KCC ruled that CLECs may meet minimum volume requirements by aggregating the traffic of multiple end-user customers.[100]

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[97] O2A Attach. 1 – Resale, App. Services/Pricing, § 14.1; SWBT/AT&T Agreement Attach. 1 – Resale, App. Services/Pricing, § 14.1.

[98] See Order ¶¶ 24-25, General Investigation Into Issue Related to Long Term Contracts, Docket No. 99-GIMT-706-GIT (KCC Mar. 2, 2000) (App. G, Tab 33).

[99] The OCC has already addressed SWBT's policy of imposing termination charges specified in an original CSA and declined to adopt a "fresh look" requirement. See Report and Recommendations of the Arbitrator at 4, Application of AT&T Communications of the Southwest, Inc. for Compulsory Arbitration of Unresolved Issues, Cause No. PUD 960000218 (OCC Nov. 13, 1996) (App. G, Tab 7).

[100] See Order, Complaint Against Southwestern Bell Telephone Co. by AT&T Communications of the Southwest, Inc. Regarding Aggregation Issues, Docket No. 98-SWBT-

This finding has been incorporated into the K2A. See id. ¶ 156; K2A Attach. 1 – Resale, § 1.12. In Oklahoma, SWBT has agreed to permit CLECs to aggregate end user traffic when reselling optional calling plans pending the outcome of Southwestern Bell Telephone Co. v. Apple, No. 00-6030 (10th Cir. filed Jan. 24, 2000). See O2A Attach. 1 – Resale, § 1.12 (providing that, if changes are necessary as a result of the appeal, parties will "expend diligent efforts to arrive at an agreement regarding the appropriate conforming modification to this section").

SWBT's OSS allow resellers to access pre-ordering, ordering and provisioning, maintenance and repair, and billing functions for resold services in an efficient and nondiscriminatory manner. For example, resellers that use the EASE pre-ordering/ordering interface or the EDI interface have experienced better average flow-through rates than those experienced by SWBT's own retail service orders over the past twelve months. See Dysart Aff. ¶ 61 & Attach. C (PMs 13-01, 13-03).

The performance results clearly demonstrate that SWBT provides Kansas and Oklahoma CLECs nondiscriminatory access to wholesale arrangements that facilitate the resale of SWBT services. Indeed, SWBT achieved excellent performance for measurements associated with resale in the three-month period between June and August 2000 in both Kansas, id. ¶ 164 & Attachs. CC & GG, and Oklahoma, id. ¶ 163 & Attachs. BB & FF, and this trend has been confirmed with the results from September 2000, see September Data Joint Aff. ¶ 68. For example, over the past three months, installation intervals associated with CLEC orders in Kansas and Oklahoma for both residence and business POTS have always been shorter than the corresponding installation intervals for SWBT retail residence and business service. See Dysart

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466-COM (KCC Aug. 26, 1998) (App. G, Tab 18).

Aff. Attachs. BB, CC, FF & GG (PMs 27-01, 27-02, 27-03, 27-04); see also September Data Joint Aff. Attachs. Y & Z.

SWBT has consistently missed fewer due dates for CLECs than it misses for its own retail operations. See Dysart Aff. Attachs. BB, CC, FF & GG (PMs 29-01 to 30-09); September Data Joint Aff. Attachs. Y, Z, AA & BB. Resold services are of the same quality as SWBT's retail services, and CLEC resale customers generally report post-provisioning troubles less frequently than SWBT's retail customers report such troubles. See Dysart Aff. Attach. BB; September Data Joint Aff. Attach. Y (PMs 37-01, 37-02) (over the past four months, trouble report rates for SWBT local exchange service lines resold by Oklahoma CLECs averaged about 2.1 percent for residence lines and 0.9 percent for business lines, compared to SWBT retail service trouble report rates of 3.2 percent for residence and 1.3 percent for business over the same time period); Dysart Aff. Attach. CC; September Data Joint Aff. Attach. Z (PMs 37-01, 37-02) (in Kansas, between June and September 2000, trouble report rates for business lines were virtually identical for CLECs and SWBT retail services, whereas CLECs fared better on trouble report rates for residence lines (2.2 percent compared to 2.4 percent)).

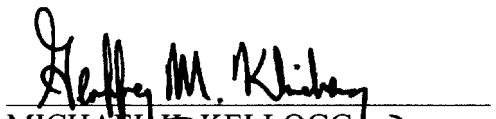
CONCLUSION

SWBT has opened the local markets in Kansas and Oklahoma to competition and provided CLECs in both states with products and services covering all fourteen checklist items. Approving this joint application will acknowledge that Southwestern Bell has complied with the requirements of the 1996 Act and is therefore entitled to offer interLATA services in Kansas and Oklahoma, whether or not CLECs choose to make Kansas or Oklahoma a focal point of their local entry.

More important, however, granting this joint application will bring consumers in Kansas and Oklahoma the full rewards from competition contemplated by Congress. While both residential and business customers in Kansas and Oklahoma currently are benefiting from local competition, these benefits will remain partial and incomplete until consumers also have an unfettered choice of long-distance providers.

The joint application should be granted.

Respectfully submitted,



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